

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

BEBE STUDIO, INC., et al.,

Plaintiffs

v.

ZAKKOS, et al.,

Defendants

CIVIL NO. 08-1462 (JP)

PERMANENT INJUNCTION AND ORDER

Plaintiffs have informed the Court that they have settled all claims against Defendants Design Outlet (No. 133), Grand Stores (No. 134), Tendencias (No. 144), Yerferly Accessories & More (No. 145), X-Treme Mode and Galería Moda (No. 146), Jaydian Imports (No. 154), and Silver Center (No. 165) (hereinafter, "Select Defendants IV"). Plaintiffs also inform the Court that the Select Defendants IV have consented to the imposition of the instant Permanent Injunction against them. Pursuant thereto,

IT IS ORDERED that a Permanent Injunction be entered as to the Select Defendants IV, pursuant to Rule 65 of the Federal Rules of Civil Procedure, enjoining the Select Defendants IV, their agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise:

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A. From manufacturing, procuring, distributing, shipping, retailing, selling, offering for sale, marketing, advertising, or trafficking in any merchandise not authorized by the Plaintiffs and bearing unauthorized simulations, reproductions, counterfeits, copies, or colorable imitations of the Trademarks, or bearing a design that is of a substantially similar appearance to the Trademarks listed on Exhibit A to this Order;

B. From passing off, inducing, or enabling others to sell or pass off as authentic products produced by the Plaintiffs or otherwise authorized by the Plaintiffs, any product not manufactured by the Plaintiffs or produced under the control or supervision of the Plaintiffs and approved by the Plaintiffs, which uses any of the Trademarks listed on Exhibit A to this Order;

C. From committing any act calculated to cause purchasers to believe that products from the Select Defendants IV are those sold under the control and supervision of the Plaintiffs, or are sponsored, approved, or guaranteed by the Plaintiffs, or are connected with and produced under the control or supervision of the Plaintiffs;

D. From further diluting and infringing the Trademarks and damaging their goodwill; and

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E. From causing, aiding, or abetting any other person from doing any act proscribed under (A.) through (D.) above.

It is further ORDERED that the Settlement Agreements agreed to by Plaintiffs and the Select Defendants IV are incorporated by reference hereto, and made to form a part hereof.

It is further ORDERED that this Court shall retain jurisdiction over this action for purposes of enforcing the provisions of the Settlement Agreement and Permanent Injunction and Order by way of contempt or otherwise. The Select Defendants IV agree not to contest the validity of the Trademarks in any such proceedings.

It is further ORDERED that the Select Defendants IV waive appeal of this Permanent Injunction and Order.

It is further ORDERED that any Seized Goods currently in Plaintiffs' counsel's possession as substitute custodian or otherwise turned over to Plaintiffs' counsel as provided for in the Settlement Agreement may be destroyed or disposed of at the Plaintiffs' discretion and in such manner as the Plaintiffs deem appropriate.

It is further ORDERED that the bond filed by the Plaintiffs in this action is hereby deemed discharged and void with respect to the Select Defendants IV.

It is further ORDERED that each party to this Permanent Injunction and Order shall bear its own attorneys' fees and costs.

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Pursuant hereto, the Court will enter separate Judgments dismissing Plaintiffs' claims against the Select Defendants IV with prejudice.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 28th day of January, 2009.

s/Jaime Pieras, Jr.
JAIME PIERAS, JR.
U.S. SENIOR DISTRICT JUDGE